

## **REMARKS/ARGUMENTS**

### **1. Claim Amendments**

The Applicant has amended claims 22, 26, 31-33 and 36-40 and new claim 42 has been added. Applicant respectfully submits no new matter has been added. Accordingly, claims 22-42 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

### **2. Claim Rejections – 35 U.S.C. § 102(b)**

Claims 22-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Ferrat et al. (US 2005/0055382) hereafter Ferrat. Applicant provided detailed technical arguments distinguishing his invention from Ferrat (US 2005/0055382) in the last Response to the Non-Final Office Action, however, the Examiner was not persuaded. Hence, the Applicants have amended claims 22, 26, 31-33 and 36-40 to better distinguish the invention from Ferrat.

In the Final Office Action, the Examiner stated:

"A memory block is deemed to be "corrupt" when data within that block becomes inconsistent, for one reason or another, with the data that "should" be resident in that particular location. While Ferrat does not use the specific terminology "corrupt memory block" it is easy to see within the cited implementation of Ferrat that it is specifically catered to handle errors dealing with data inconsistency such as that of a "corrupt memory block."

The portion of Ferrat cited by the Examiner reads as follows:

[0024] UniSync provides the necessary interfaces for resolving errors and conflicts between synchronized data. In many synchronization environments, discrepancies may arise when systems synchronize data after having disconnected for some period of time. Typically, the system can synchronize most changes without issue. However, in some situations, the application will need to apply some level of business logic to synchronize the data successfully. UniSync provides the ability to identify and flag this discrepancy, with the outcome determined by the application's customizable business logic or by human intervention.

The Examiner continues:

Not only does the above paragraph show the ability of Ferrat to handle errors which deal with inconsistent data - such as a corrupt memory block, but it shows generation of the update as the "synchronization" process within Ferrat is specifically disclosed as being catered to communicating data necessary to update inconsistent data to the correct state. The examiner has fully fulfilled the requirements set forth within MPEP 2131 and therefore maintains his previous rejection."

Applicant believes, in light of the amendments to the claims, Ferrat fails to disclose the invention. Under 35 U.S.C. § 102, anticipation takes more than simply locating each element within the four corners of a single document. Section 102 embodies the concept of novelty—if a device or process has been previously invented (and disclosed to the public), then it is not new, and therefore the claimed invention is "anticipated" by the prior invention. Because the hallmark of anticipation is prior invention, the prior art reference—in order to anticipate under 35 U.S.C. § 102—must not only disclose all elements of the claim within the four corners of the document, but must also disclose those elements arranged as in the claim.

Unlike Ferrat, the present invention does not work on tables in a database, but directly on the flash memory (as claimed) where it updates the image of the stored data "in-place". A delta update in the present invention means that it does not transfer the complete image, and, more importantly refers to the fact that it reuses and reorganizes the data already on the flash memory of the mobile terminal through a series of steps transforming the existing image into the updated one.

The Examiner suggested that the claims be amended to provide the foregoing limitations:

With regard to the remaining arguments pertaining to the U.S.C. 102(e) rejection made in the previous office action, they are considered but not deemed to be persuasive. If the applicant wishes to limit the scope of the invention to exclude "synchronization between two versions of a data file" such language should be seen within the presented claim

language. The same is true regarding updates being "in-place" on "flash memory" and "delta based update package."

Claims 22, 26, 31-33 and 36-40 have been amended as suggested by the Examiner. Therefore, the allowance of claim 22-41 is respectfully requested.

### **3. Claim Rejections – 35 U.S.C. § 103 (a)**

Claims 27-28 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferrat. As noted above, as amended, Ferrat fails to disclose all of the elements of the present invention. Nor are the missing elements very well known and common to those skilled the art. Claims 27-28 depend indirectly from claim 22 and recite further limitations in combination with the novel elements of claim 22. Therefore, the allowance of claims 27-28 is respectfully requested. Claim 41 depends from claim 37 and recites further limitations in combination with the novel elements of claim 37. Therefore, the allowance of claim 41 is respectfully requested.

Claims 32-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferrat in further view of Kocher et. al., US 6,289,455 (Kocher). As noted above, as amended, Ferrat fails to disclose all of the elements of the present invention. Kocher fails to remedy the deficiencies of Ferrat with respect to the missing elements. Claims 32-36 depend indirectly from claim 22 and recite further limitations in combination with the novel elements of claim 22. Therefore, the allowance of claims 32-36 is respectfully requested.

### CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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